

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHANNON CRAIG,

Defendant.

Case No. 16-00081-01-CR-W-BP

**GOVERNMENT’S MOTION FOR DOWNWARD DEPARTURE
AND
RECOMMENDATION REGARDING SENTENCING**

The United States of America, by its undersigned attorneys, files its motion for downward departure pursuant to Title 18, United States Code, Section 3553(e), and United States Sentencing Guidelines, Section 5K1.1, as a result of the substantial assistance provided to the Government by the defendant, Shannon Craig. As such, this Court is authorized to impose a sentence below the applicable Guideline range. In support of this motion, the Government states:

1. Defendant Craig pled guilty to an information on March 10, 2016, false statement on a loan or credit application related to an application for Federal Crop Insurance. The final Presentence Investigative Report states that defendant Craig’s Sentencing Guideline range is 27-33 months, with three years’ supervised release, \$506,784 in restitution. In the plea agreement, the parties agreed that restitution in this matter will be determined at sentencing by the Court. Further in the plea agreement, the parties agreed that “the Government *may* ask for restitution” and references the \$506,784 loss.

2. Mr. Craig has cooperated with the farm fraud credit investigation and testified in the August 2017 trial of Ryan Ruckman, 17-06001-01-CR-W-GAF. While Ruckman was found

not guilty in that matter, Craig was truthful throughout and cooperative with the government. Despite the verdict, the government consider Craig testimony critical to its case presentation.

3. The Government states that Mr. Craig has provided substantial assistance as that term is used in the applicable Guidelines section and believes that a downward departure is appropriate, and would classify Craig's cooperation as significant. The Government does not anticipate filing additional motions in this case, and therefore requests the Court depart downward by an amount which fully reflects defendant's past, and suggests a sentence of two years probation would be appropriate.

4. Further, in regard to restitution, the government agrees with the defendant's argument that while he did knowingly aid and abet the submission of a false statement, the Government's loss in this matter was not directly or proximately caused by him. Beside the authority cited by the defendant, the government also brings to the court's attention *U.S. v. Benn*, 810 F.3d 327 (5th Cir. 2016), which states the victim must suffer a foreseeable loss as a result of the defendant's conduct, *Id.* at 329. Here it is the government's position that Mr. Craig's conduct of allowing Mr. Ruckman to sign the application forms and asking another individual to notarize the forms is too attenuated from Mr. Ruckman's later claims of loss and other actions that trigger the indemnity payments. Further, Mr. Craig did not benefit financially from his actions. Therefore, after consultation with the United State Department of Agriculture, the government is not seeking restitution from Mr. Craig in this matter.

5. The Government respectfully requests that this Court exercise its discretion, grant this motion, and consider the recommendation of sentence of two years of probation and no order of restitution in this matter.

Respectfully submitted,

Thomas M. Larson
United States Attorney

By */s/ Gregg R. Coonrod*

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing was delivered on November 8, 2017, to the CM-ECF system of the United States District Court for the Western District of Missouri for electronic delivery to all counsel of record.

/s/ Gregg R. Coonrod
Gregg R. Coonrod
Senior Litigation Counsel